



## US Army Corps of Engineers

Vicksburg District  
4155 Clay Street  
Vicksburg, MS 39183-3435



# Public Notice

|                  |                                 |
|------------------|---------------------------------|
| APPLICATION NO.: | ADS-MVK-2004-1103               |
| EVALUATOR:       | Mr. Arel Simpson                |
| PHONE NO.:       | (601) 631-5996                  |
| FAX NO.:         | (601) 631-5459                  |
| E-MAIL:          | regulatory@mvk02.usace.army.mil |
| DATE:            | December 13, 2004               |
| EXPIRATION DATE: | January 3, 2005                 |

Interested parties are hereby notified that the U.S. Army Corps of Engineers, Vicksburg District, and the Mississippi Department of Environmental Quality are considering an application for a Department of the Army permit and State Water Quality Certification for the work described herein. Comments should be forwarded to the Vicksburg District, Attention: CEMVK-OD-F and the Mississippi Department of Environmental Quality at Post Office Box 10385, Jackson, Mississippi 39289-0385, and must reach these offices by the cited expiration date.

Law Requiring a Permit: Section 404 of the Clean Water Act (33 U.S.C. 1344), which applies to discharges of dredged or fill material into waters of the United States.

Name of Applicant:

Pen-Wan Farms, LLC  
550 Three Mile Lake Road  
Inverness, Mississippi 38753

Location of Work: Section 22, T17N-R4W, latitude 33°18'35"N longitude 90°36'09"W, within the Yazoo River drainage basin, Sunflower County, near Inverness, Mississippi.

Description of Work: (See enclosed map and drawings.)

The following descriptions of the proposed project and associated impacts are based upon information provided by the applicant.

The applicant is applying for a Department of the Army permit to place dredged and/or fill material in wetlands and other waters of the United States associated with an increase in efficiency of an irrigation system in the farming operation.

The proposed work would involve the clearing and filling of approximately 9.6 acres of wooded wetlands with on-site borrow material from adjacent fields. Approximately 4,320 cubic yards of on-site borrow material would be placed in the wetlands by bulldozers and tractor pulled dirt pans. The borrow material soil is typed as Forestdale silty clay loam.

The 9.6 acres of wooded wetlands are located in three different areas within the same crop field. The wetland areas contain 2.1 acres, 5.0 acres, and 2.5 acres of wooded wetlands. These wetlands are surrounded by row crop fields under a soybean/cotton rotation.

The wetlands vegetation consists of water hickory, sugarberry, persimmon, overcup oak, willow oak, rice cutgrass and other species. The cleared vegetation would be piled, burned, and buried under the borrow material.

The proposed mitigation plan would restore approximately 19.4 acres of prior converted wetlands to bottomland hardwood wetlands and a restrictive covenant would be attached to the land deed. This mitigation proposal would exceed the 2:1 ratio recommended by the National Resource Conservation Service in Sunflower County, Mississippi. The proposed mitigation area has hydric soils and is prior converted farmland.

The total farmed acreage in the field would be changed from approximately 115.6 acres to approximately 109.0 acres by the clearing and filling of approximately 9.6 acres of wooded wetlands. Approximately 16.2 acres of prior converted farmland within the same field would be used as part of the mitigation plan. Approximately 3.2 acres of prior converted farmland in an adjacent field would also be used as part of the mitigation plan.

The completed project would allow for a more efficient usage of the irrigation system and adjacent farm acreage. The irrigation system would be able to traverse the filled wetlands.

The mechanical clearing and placement of dredged and/or fill material in wetlands requires a Department of the Army Permit.

Upon reviewing this notice, you should write to this office to provide your opinion of the impacts this work will have on the natural and human environment, and address any mitigation you believe is necessary to offset these impacts. Other comments are welcome, but the above information will further our review of the applicant's plan as proposed. Comments of a general nature are not as helpful as those specific to the impacts of the subject project.

State Water Quality Permit: The State Pollution Control Agency must certify that the described work will comply with the State's water quality standards and effluent limitations before a Corps permit is issued.

Cultural Resources: An initial review indicates that the proposed project would not affect any of the sites in Sunflower County listed in the National Register of Historic Places. Copies of this notice have been sent to the State Historic Preservation Officer, Federally Recognized Tribes, the Corps archaeologists, and other interested parties for comment on potential effects to cultural resources that could result from this activity.

Endangered Species: Our initial finding is that the proposed work would not affect any endangered species or their critical habitat. This proposal is being coordinated with the U.S. Fish and Wildlife Service, and any comments regarding endangered species or their critical habitat will be addressed in our evaluation of the described work.

Flood Plain: In accordance with 44 CFR Part 60 (Flood Plain Management and Use), participating communities are required to review all proposed development to determine if a flood plain development permit is required. Flood plain administrators should review the proposed development described in this public notice and apprise this office of any flood plain development permit requirements.

Evaluation Factors: The decision whether or not to issue a permit will be based upon an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits that may be expected to accrue from the proposal must be balanced against its expected adverse effects. All factors which may be relevant to the proposal will be considered; among these are conservation,

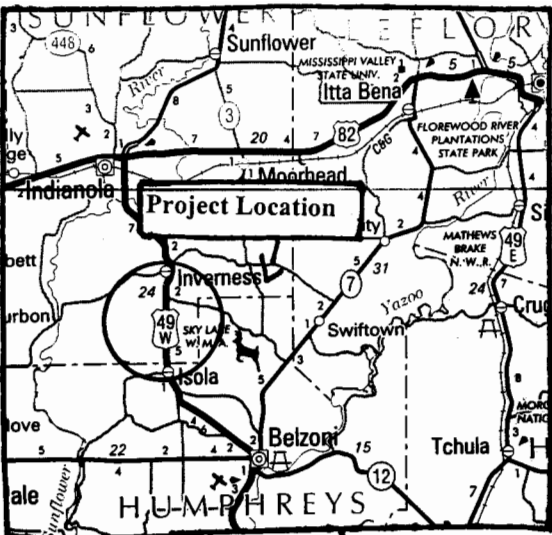
economics, aesthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use classification, navigation, recreation, water supply, water quality, energy needs, safety, food requirements and, in general, the needs and welfare of the people. Evaluation of the proposed activity will include application of the guidelines published by the Environmental Protection Agency under authority of Section 404(b) of the Clean Water Act.

Public Involvement: The purpose of this notice is to solicit comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties. These comments will be used to evaluate the impacts of this project. All comments will be considered and used to help determine whether to issue the permit, deny the permit, or issue the permit with conditions, and to help us determine the amount and type of mitigation necessary. This information will be used in our Environmental Assessment or Impact Statement. Comments are also used to determine the need for a public hearing.

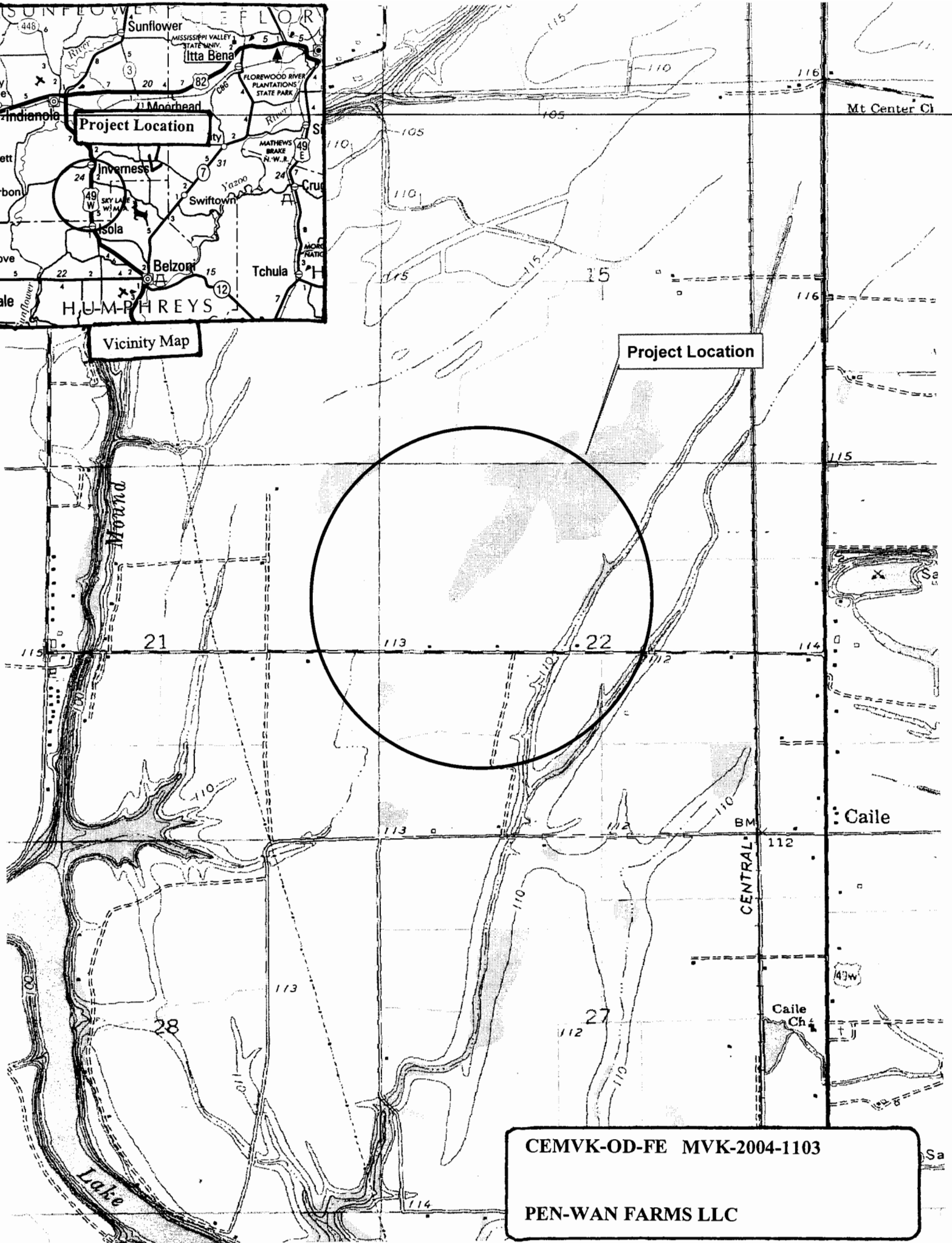
Opportunity for a Public Hearing: Any person may make a written request for a public hearing to consider this permit application. This request must be submitted by the public notice expiration date and must clearly state why a hearing is necessary. Failure of any agency or individual to comment on this notice will be interpreted to mean that there is no objection to the proposed work. Please bring this announcement to the attention of anyone you know who might be interested in this matter.

Notification of Final Permit Actions: Each month, the final permit actions from the preceding month are published on the Vicksburg District Regulatory web page. To access this information, you may follow the link from the Regulatory web page, <http://www.mvk.usace.army.mil/offices/od/odf/main.asp>, or go directly to the Final Permit Actions web page at <http://www.mvk.usace.army.mil/offices/od/odf/PubNotice/MonthlyNotice/pnmain.asp>.

W. Harold Lee  
Team Leader  
Evaluation Section



Vicinity Map



CEMVK-OD-FE MVK-2004-1103

PEN-WAN FARMS LLC

Scale  
1" = 660'

Legend:

- Area to be cleared
- Area to be mitigated

CEMVK-OD-FE MVK-2004-1103

PEN-WAN FARMS LLC

53ac

10.9ac

5.0ac  
PC

PC

2.5ac

3.2ac

2.1ac